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1764



**IN THE UNITED STATES PATENT
AND TRADEMARK OFFICE**

Appl. No. : 10/500,206
Applicant : SKAKUNOV et al
Filed : June 25, 2004
TC/A.U. : 1764
Examiner : V. MANOHARAN
Docket No. : 04331/HG
Customer No.: 01933
Confirm. No.: 9313

CERTIFICATE OF MAILING

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Commissioner for Patents,
P.O. Box 1450
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on the date noted below.

Attorney: Herbert Goodman

Dated: March 8, 2007

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RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

MAIL STOP AMENDMENT

S I R :

This is in response to the Office Action mailed February 13, 2007 which is a 30-day restriction requirement.

The Office Action sets forth a restrictions requirement under 35 USC 121 between Group I (claim 1 drawn to a method); and Group II (claims 2-5 drawn to a plant).

Group I (drawn to a method) is provisionally elected with traverse.

The restriction requirement is traversed on the ground that as a matter of law, the wrong criteria were applied. The restriction requirement refers to the practice set forth in MPEP §806.05(e). The criteria set forth in MPEP §806.05(e) is consistent with the rationale for the restriction requirement set forth in the large paragraph on page 2 of the Office Action. However, this criteria applies to regular United States applications, i.e. applications filed under 35 USC 111, and does not apply to the present application.


The present application is a United States national phase of an international application filed under 35 USC 371.

37 CFR 1.475 and 1.499 govern the practice involving unity of invention which is applied to the present United States national phase application (see MPEP §1893.03(d)).

It is respectfully submitted that the claims in the present application meet the unity of invention criteria which is applicable to the present application. This is consistent with the International Preliminary Examination Report which did not result in an objection based upon lack of unity.

Withdrawal of the restriction requirement and examination of
all of the claims is solicited.

Respectfully submitted,



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